

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KATHLEEN BUNNELL and
DENNIS BUNNELL,

Plaintiffs,

-against-

MEMORANDUM AND ORDER

12-CV-6412 (FB) (SMG)

FARZAD HAGHIGHI,

Defendant.

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Appearances:

For the Plaintiff:

DEAN T. CHO, ESQ.
233 Broadway, Suite 2200
New York, NY 10279

For the Defendant:

DANIEL ALLIANCE, ESQ.
159-13 Hillside Avenue
Jamaica, NY 11432

BLOCK, Senior District Judge:

Plaintiffs Kathleen and Dennis Bunnell moved for sanctions and attorney's fees under Rule 11 of the Federal Rules of Civil Procedure and CPLR § 6514(c). The Court referred the motion for a report and recommendation (R&R) to Magistrate Judge Steven M. Gold. On March 2, 2016, Judge Gold issued the R&R recommending that the Court grant the motion against defendant's counsel, Daniel Alliance ("Alliance"), for \$14,954.31, and hold Alliance's co-counsel, Michael Alliance, jointly and severally liable for \$1,842.50 of that amount.

Alliance filed an opposition to the R&R in which he asks the Court to consider

an alternative method of sanctioning him, specifically, to order him to attend CLE courses in lieu of ordering him to pay the sum recommended by Judge Gold. Alliance did not object to any of the factual findings in the R&R. Accordingly, the Court will determine the appropriate sanction de novo, but will review the remainder of the R&R for clear error. 28 U.S.C. § 636(b) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”).

The R&R explains in detail how Alliance litigated in bad faith. While the Court agrees with Alliance that CLE courses would be of benefit, they would not compensate the Bunnells for the costs and fees they incurred due to Alliance’s filing of a clearly improper *lis pendens*, refusal to withdraw false assertions made to the Court, filing a frivolous opposition, and failure to obey an order of Judge Gold’s. The R&R limited the award to the Bunnells’ costs and attorney’s fees related to Alliance’s bad conduct and the sanctions itself. The sum recommended in the R&R is reasonable.

Finding no clear error in the unobjected-to portions, the R&R is adopted in full.
The Court directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
April 29, 2016